

HUMAN RIGHTS COMMISSION MINUTES

The Human Rights Commission met on Tuesday, February 12, 2019 at 5:00 p.m. in the Multi-Purpose Room at the Kandiyohi County Historical Society.

Members present were: Shelly Huseby, Vicki Davis, Shawn Mueske, Barbara Little, Jill Benson, Ben Larson, Hamdi Kosar, and Nate Erickson.

Item No. 1 Call to Order

The meeting was called to order by Chairperson Shelly Huseby at 5:00 p.m.

Item No. 2 Approve Minutes of Meeting

Chair Huseby presented the minutes of the January 15, 2019 meeting for discussion. Commission Member Larson moved to approve the Human Rights Commission minutes of January 15, 2019 and Commission Member Benson seconded the motion, which carried.

Item No. 3 Public Comment

There were no members of the public in attendance who wished to comment.

Item No. 4 Kandiyohi County Sheriff Eric Holien

Sheriff Holien was invited to attend the Human Rights Commission meeting to explain his vision for the Kandiyohi County Sheriff's Department, working with the City and all of its residents. He was provided with the questions for law enforcement officers used previously and explained some of what he has to say will crossover to the questions.

Sheriff Holien stated since January of 2018 the training mandated by the MN Peace Officers and Licensing Board includes crisis intervention and mental illness, implicit bias, and valuing a diverse community. When you look at the mental health and crisis intervention, that covers what they can and cannot do as peace officers i.e., 72-hour holds as well as de-escalation of situations. It appears our jails are becoming a holding cell for the mentally ill and there is really no solution to the issue right now. We don't have the facilities to take care of the mentally ill as we use to. We need to work with the legislature to get better mental health options rather than holding them in the jail facilities. He is currently looking at adding on holding tanks which are used specifically for the mentally ill. Officers will be attending training to learn how to handle the mentally ill. When you look at implicit bias training this will help officers understand that subconsciously they might have a preconceived notion of someone. He touched on racial tensions and cultural integration. He wants his department to get out there and get to know the people.

Sheriff Holien stated he has had no training on immigration law. He stated looking at ICE in itself, federal enforcement is the feds job. Looking at deportation, there is only two times of which we as local law enforcement officers can actually arrest someone for ICE violations. One is a deported felon who has already been shipped out of the country and came back in, two is if you are housing or transporting or allowing another person to come back into the United States. Outside of that everything else is a federal agent's job. They have no obligation to arrest someone for ICE violations. Talking about detainees, past practice used to be it was 48 hours law enforcement was to hold them based upon what ICE wanted. Over time there was a shift in the Supreme Court ruling that no longer honored the detainees which actually violated their 4th amendment rights. ICE violations are civil,

not criminal. If you get arrested and you are an illegal, yes, they will inform ICE. That starts the civil process of deportation. They will not physically go out looking for individuals. He answered questions pertaining to ICE warrants, they do board for ICE individuals who have already started their civil process proceedings for deportation. He explained the difference between a warrant and a detainer, which is the 48-hour period which allows ICE to investigate. The warrant is when ICE has enough probable cause to most likely deport this person.

Commissioner Mueske asked a question regarding intake forms when someone is being booked into jail. Is there a question about status? Is that form locally generated? Based on how one answers that question does it determine whether or not ICE is contacted? Are people aware they do not have to answer? Sheriff Holien stated in researching the answer reported to him by staff, we do not ask about immigration status. They do as a normal booking procedure, ask all inmates entering the jail their place of birth and if they are a US citizen. The reason they are asked this is the Foreign National. Inmates are ensured access to their diplomatic respective consulates because when you look at eastern-bloc Europe we are mandated to contact their consulate to say that they are inmates under the mandatory notification treaty with the United States. It does not start the ICE proceedings.

Commissioner Larson questioned if the County jail was calling ICE and reporting release dates for undocumented individuals? Unsure if that is something that was required? Is that call mandated? Sheriff Holien explained that is each individual agency's option. Most of the individuals that ICE gets a call for have committed a crime and the proceedings are started. In the past ICE would come and get them right away or hold them on retainers, now they are more likely to release a person and then try and find them later because the processes of what is going on have taken so much time and if so chosen to, they can find the person. Most have families in the area and are not leaving and they want to make sure that their rights are not violated. Case law has said that "yes" we can have that open line of communication, but it's the detainees that they cannot honor.

Commissioner Larson asked the Sheriff's opinion on separation ordinances with ICE that other cities have done. In the Sheriff's opinion, we are two law enforcement agencies working together and when you look at anyone who gets put in the ICE process, it is started because they committed a crime.

Chair Huseby relayed back to the mental health issues and questioned if the Sheriff's department will be partnering with Woodland Centers for training. Training will be offered through the MN Peace Officers and Licensing Board. It was suggested to partner with local mental health agencies who have seen the fallout of not having the Willmar Regional Treatment Center any more.

Commissioner Benson asked Sheriff Holien where he stands on terms of sexual assault victims. He stated Minnesota is doing a good job compared to other states. Nationally we are seeing a huge issue. Locally we have a process put into place where as soon as a person decides that they want to report a sexual assault we have nurses who collect the evidence in a less evasive procedure. They have a guardian come in right away to help that person with that process. The unique system they have now is when they do the SANE kits a nurse does the procedure and they hold onto the kit at the hospital. It does not necessarily get released to law enforcement. It creates an awkward dilemma where hospitals are holding onto these rape kits. There is a time limit that you want to get it sent off and processed. His opinion is it should be collected, sent to the BCA processed anyway to get the DNA analysis, but if the victim says no I don't want you to do anything with it. Locally anytime we have had someone say process it, it's done. We have policies and procedures in place to ensure that those kits are brought to the BCA and tested.

Commissioner Kosar asked if they are looking into cultural liaisons. He stated there are very few Hispanics and Somalis within the agency. It would be nice to start some sort of liaison program

but the hard part of that is funding. If it is going to be a paid position it requires County Board approval. He is hoping to recruit applicants more reflective of our community and county. Chair Huseby asked him what would be one priority at the top of his list for one year from now. The top biggest priority would be reform in the jail program. Clergy are not allowed face-to-face meetings with inmates due to a breakdown in communications between administration and clergy.

The Commission thanked Sheriff Holien for coming and expressed their appreciation and asked if there is a way they can partner in hosting a forum regarding ICE issues. He said absolutely and he would look forward to it.

Item No. 5 GARE Update

Chair Huseby updated the Commission that a group of six individuals were going to the first meeting and it was cancelled due to inclement weather. To date it is still being rescheduled. The City of Willmar has contributed the \$1,000.00 membership and they are still looking for monetary contributions from other agencies for travel expenses, etc.

Item No. 6 Other Business

Commissioner Benson reported she had a student talk to her about her employer and how four months ago her boyfriend got hired by the same employer and he is already getting paid a dollar an hour more than what her starting pay was at that time. When she asked Human Resources about the pay discrepancy she was told different locations can have different pay. That would be understandable but she started at the same location. Even though she was hired a year ago, she is still being paid \$0.25 an hour less. She returned to Human Resources and they blew her off. What can she do? The Commission felt it would be handled under employment law. Not knowing all the circumstances such as performance, etc. there would be more questions. Skills, requirements, job description, shift? Does legal aid deal with employment? We advocate and educate, investigate is not one of those things, but to advocate for them to go the proper agency for the investigation is the Commission's responsibility.

Item No. 7 Other Business

Chair Huseby announced someone came to her regarding the Small Cities Grant wondering when the public hearing is to ask for accessibility things at the fairgrounds and making it more accessible for elderly people with disabilities, etc. This was referred to City Administrator Holland.

The next meeting date of the Commission will be Tuesday, March 19, 2019 at 5:00 p.m. A motion was made by Commissioner Mueske, seconded by Commissioner Erickson and passed to adjourn. The meeting was adjourned at 6:01 p.m.

Respectfully submitted,

Janell Sommers
Administrative Assistant